

**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 455A.5(6)“a,” 481A.38, 481A.39, and 481A.48, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 91, “Waterfowl and Coot Hunting Seasons,” Chapter 97, “Common Snipe, Virginia Rail and Sora, Woodcock, Ruffed Grouse, and Dove Hunting Seasons,” and Chapter 102, “Falconry Regulations for Hunting Game,” Iowa Administrative Code.

Chapter 91 contains the regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments make the annual adjustment to the season dates for the 2017-2018 waterfowl seasons so that they comply with what the Department of Natural Resources (Department) anticipates the corresponding federal regulations will be after meeting with the United States Fish and Wildlife Service (USFWS) this year at the Mississippi Flyway Council and after reviewing the preliminary and supplemental frameworks contained in 81 Fed. Reg. 38,050-38,057 (June 10, 2016) and 81 Fed. Reg. 53,391-53,393 (August 12, 2016). The proposed amendments also ensure that the seasons open on different weekends to maximize hunter opportunity and continue for a fourth year an experimental special September teal season. The continuation of the special teal season will not adversely impact teal numbers and will allow Iowa hunters additional days of recreational hunting opportunity during the peak migration period for teal. The federal regulations will likely authorize up to 16 days for the special teal season. Last year, hunters requested, and the Commission implemented, a two-week period of calm and hunter inactivity between the end of the teal season and the start of the regular duck season. The proposed amendments repeat this period again for the 2017-2018 seasons.

The Commission proposes three other changes to Chapter 91 in this rule making. Subrule 91.4(1) is being amended to accurately reflect the posted boundary of a waterfowl refuge located in the Upper Iowa Wildlife Unit. The current subrule states that waterfowl and coot hunting is not allowed within 300 feet of the center of the Army Road from New Albin to the boat ramp on the Mississippi River within sections 11 and 12, but the refuge is actually marked at a distance of 150 feet. This is an editorial change for accuracy and does not change the refuge’s actual boundary. The daily bag limit for black ducks is increasing from one to two, as allowed by the federal regulations. Finally, the Commission is removing all language addressing the old 2016-2017 zone structure.

Chapter 97 contains the regulations for dove hunting. The USFWS now allows 90 days of dove hunting, up from 70 days, and the Commission is amending rule 571—97.6(481A) to reflect that change. This 20-day extension is not expected to result in a significant increase in harvest due to federal constraints on the opening date of the dove season, but it will allow hunters the maximum opportunity in season length to harvest doves.

Chapter 102 contains the regulations for falconry seasons. USFWS allows duck hunting by falconry during the conventional gun hunting seasons and afterwards, too, in a special “extended” falconry-only season. This special season cannot extend beyond the duck hunting season length of 107 days and is calculated as follows: 107 days minus 16 teal days, minus 2 youth days, minus 60 gun days, equals 29 days for exclusive falconry duck hunting. The later duck hunting dates implemented in the 2016-2017 seasons (and proposed again for 2017-2018) resulted in the loss of several days for exclusive falconry hunting because the conventional gun season went until December 18 in one zone and December 15 in another, which is the same day under subrule 102.2(1) that the “extended” falconry season started

statewide. This four-day overlap between the gun season and the extended falconry season arguably “wasted” four of the falconry-only days because those falconers were already able to hunt. In other words, removing this overlap in the 2017-2018 seasons will allow for 29 days of exclusive falconry hunting, whereas last year there were only 25 days. Additionally, the Commission is changing the opening date of the extended falconry season from a specific calendar date (December 15) to a rotating weekend opener (i.e., “the first Saturday in January”), which will guarantee an annual weekend start and eliminate the need to amend the rule in the future solely to adjust a specific calendar date. Finally, the Commission updated the falconry regulations to amend the possession limit to three times the daily bag limit, per updated federal regulations, and removed incorrect language regarding the dark goose falconry season.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 7, 2017. Written comments may be directed to Orrin Jones, Waterfowl Biologist, Department of Natural Resources, 1203 North Shore Drive, Clear Lake, Iowa 50428; by e-mail at [Orrin.Jones@dnr.iowa.gov](mailto:Orrin.Jones@dnr.iowa.gov); or by fax at (641)357-5523. Persons who wish to convey their comments orally may contact Orrin Jones by telephone at (641)357-3517 or by visiting the Clear Lake Fish Hatchery during regular business hours.

There will be a public hearing on March 7, 2017, at 11:30 a.m. in the Fourth Floor Conference Room of the Wallace State Office Building Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and request specific accommodations.

After analysis and review of this rule making, it was determined that there will not be an impact on jobs in the state.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48. The following amendments are proposed.

ITEM 1. Amend subrules 91.1(1) to 91.1(5) as follows:

**91.1(1) *Zone boundaries.*** ~~The following zone boundaries apply in the time frames noted:~~

~~*a.* For the 2016-2017 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south duck hunting zone is the remainder of the state.~~

~~*b.* For the 2017-2021 seasons, the The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.~~

**91.1(2) *Season dates - north zone.*** Special September teal season: September 3 2 through September ~~14~~ 10. For all ducks: September 24 23 through October 2 1 and October ~~15~~ 14 through December 4 3.

**91.1(3) *Season dates - south zone.*** Special September teal season: September 3 2 through September ~~14~~ 10. For all ducks: ~~October 1~~ September 30 through October 5 4 and October ~~22~~ 21 through December ~~15~~ 14.

**91.1(4) *Season dates - Missouri River zone.*** Special September teal season: September 3 2 through September ~~18~~ 17. For all ducks: October 8 7 and October 9 8 and October ~~22~~ 21 through December ~~18~~ 17.

**91.1(5) *Bag limit.*** Special September teal season: The daily bag limit is 6 teal of any species. For all ducks: The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of

which may be females), ~~4~~ 2 black ~~duck~~ ducks, 3 wood ducks, 2 pintails, 1 mottled duck, 2 canvasback, 2 redheads, and 3 scaup. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3(1) to 91.3(5) as follows:

**91.3(1) Zone boundaries.** ~~The following zone boundaries apply in the time frames noted:~~

~~a. For the 2016-2017 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south goose hunting zone is the remainder of the state.~~

~~b. For the 2017-2021 seasons, the~~ The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.

**91.3(2) Season dates - north zone.** Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): September 24 ~~23~~ through October 9 8 and October 15 ~~14~~ through January 4, ~~2017~~ 1, 2018. Light geese (white and blue-phase snow geese and Ross' geese): September 24 ~~23~~ through October 9 8 and October 15 ~~14~~ through January 13, ~~2017~~ 10, 2018.

**91.3(3) Season dates - south zone.** Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): ~~October 1~~ September 30 through October 9 8 and October 22 ~~21~~ through January 18, ~~2017~~ 15, 2018. Light geese (white and blue-phase snow geese and Ross' geese): ~~October 1~~ September 30 through October 9 8 and October 22 ~~21~~ through January 27, ~~2017~~ 24, 2018.

**91.3(4) Season dates - Missouri River zone.** Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): October 8 7 through October 16 ~~15~~ and October 22 ~~21~~ through January 18, ~~2017~~ 15, 2018. Light geese (white and blue-phase snow geese and Ross' geese): October 8 7 through October 16 ~~15~~ and October 22 ~~21~~ through January 27, ~~2017~~ 24, 2018.

**91.3(5) Bag limit.** The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese from September 24 ~~23~~ through October 31 and no more than 3 Canada geese from November 1 through the end of the season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 3. Amend subrules 91.3(8) to 91.3(11) as follows:

**91.3(8) Light goose conservation order season.** Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January 28, ~~2017~~ 25, 2018, through April 15, ~~2017~~ 2018.

~~a. to e.~~ No change.

**91.3(9) Cedar Rapids/Iowa City goose hunting zone.**

~~a. Season dates.~~ September 3 2 through September 14 10.

~~b. to d.~~ No change.

**91.3(10) Des Moines goose hunting zone.**

~~a. Season dates.~~ September 3 2 through September 14 10.

~~b. to d.~~ No change.

**91.3(11) Cedar Falls/Waterloo goose hunting zone.**

~~a. Season dates.~~ September 3 2 through September 14 10.

~~b. to d.~~ No change.

ITEM 4. Amend subrule 91.4(1) as follows:

**91.4(1) Waterfowl and coots.** There shall be no open season for ducks, coots and geese on the east and west county road running through sections 21 and 22, township 70 north, range 43 west, Fremont County; three miles of U.S. Highway 30, located on the south section lines of sections 14, 15, and 16,

township 78 north, range 45 west, Harrison County; on the county roads immediately adjacent to, or through, Union Slough National Wildlife Refuge, Kossuth County; Louisa County Road X61 from the E-W centerline of section 29, township 74 north, range 2 west, on the south, to the point where it crosses Michael Creek in section 6, township 74 north, range 2 west, on the north, and also all roads through or adjacent to sections 7, 18, and 19 of this same township and roads through or adjacent to sections 12 and 13, township 74 north, range 3 west; the levee protecting the Green Island Wildlife Area from the Mississippi River in Jackson County wherever the levee is on property owned by the United States or the state of Iowa; certain dikes at Otter Creek Marsh, Tama County, where posted as such; and the NE $\frac{1}{4}$ , section 23, and the N $\frac{1}{2}$ , section 24, all in township 70 north, range 19 west, Appanoose County, including county roads immediately adjacent thereto; and all privately owned lands in the S $\frac{1}{2}$ , section 30, township 71 north, range 20 west, Lucas County, including the county road immediately adjacent thereto; Cerro Gordo County Road S14 and its right-of-way, between its junction with U.S. Highway 18 and County Road B-35, and portions of Clear Lake and Ventura Marsh, where posted as such in Cerro Gordo County; that portion of Summit Lake located south of State Highway 25 in the west half of the NW $\frac{1}{4}$  of section 2 (22 acres), and the west half of section 3 (100 acres), T72N, R31W in Union County; and within ~~300~~ 150 feet of the center of the Army Road from New Albin to the boat ramp on the Mississippi River in sections 11 and 12, T100N, R4W, and sections 7 and 8, T100N, R3W, as posted.

ITEM 5. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held on September ~~16 and 17 and 18~~ in the north duck hunting zone, September ~~23 and 24 and 25~~ in the south duck hunting zone, and September 30 and October 1 ~~and 2~~ in the Missouri River duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks, geese and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

ITEM 6. Amend rule 571—97.6(481A) as follows:

**571—97.6(481A) Dove season.** Open season for hunting mourning doves and Eurasian collared-doves shall begin on September 1 and continue for ~~70~~ 90 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit is 15; possession limit is 45. The entire state is open.

ITEM 7. Amend rule 571—102.2(481A) as follows:

**571—102.2(481A) Migratory bird regulations.** Seasons and limits for taking migratory birds by means of falconry shall be as follows:

**102.2(1) Ducks and coots.** The season for taking ducks and coots ~~statewide~~ by means of falconry may vary among duck hunting zones. Falconry seasons for ducks and coots shall be open whenever the conventional (gun) duck and coot hunting season is open in each zone, as described in rules 571—91.1(481A) and 571—91.2(481A), and shall also be open beginning ~~December 15~~ the first Saturday in January in each zone and remain open until the combined total of the conventional hunting season days plus falconry hunting season days reaches 107 for the zone or February 28, whichever occurs first.

**102.2(2) Geese.** The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for white-fronted geese and light geese (white and blue-phase snow geese and Ross' geese) shall begin each year on the first day of the conventional (gun) hunting season for these geese in each zone, as described in rule 571—91.3(481A), ~~and continue in each zone for 107 consecutive~~

days. Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese as well as any days between the first, second, or third segments of the conventional (gun) hunting season for Canada geese and brant.

**102.2(3)** No change.

**102.2(4) *Hawking hours and limits.*** Hawking hours for migratory game birds are one-half hour before sunrise to sunset. The daily bag limit shall include no more than three migratory game birds, singly or in aggregate. The possession limit is ~~twice~~ three times the daily bag limit. There are no hawking hour restrictions for nonmigratory game during the legal season.